IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23163 of 2004

Between:

Chowdeswari Devi Oriental & General High School
Yerramukkapalli, Cuddapah dist. Rep.by its Secretary and Correspondent

G.Mohan, S/o.G.Subba Reddy, Cuddapah District

..... PETITIONER

AND

1 Education Department Govt of A.P. rep by its Secretary
Secretariat Buildings, Hyderabad.
2 The Commissioner&Director of School Education.A.P.
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue a writ, order or direction more particulary one in the nature of Writ of Mandamus declaring the action of the respondents in not admitting 24 posts of the petitioner school,i.e. B.Ed.Assistants-6; S.G.Assistants-11; Telugu Pandit Grade-II-2; Drawing Teacher-1, Craft Teacher-1; junior Assistant -1, Record Assistants-2, as arbitrary, illegal, improper, unjust and motivated and futther direct the respondents to take action in the matter and pass such other order or orders.

Counsel for the Petitioner:MR.N.BHARAT BABU

Counsel for the Respondent Nos 1 & 2.: GP FOR EDUCATION

The Court at the stage of admission, made the following :

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ORDER:

This writ petition is filed to issue a writ of mandamus declaring the action of the 1st respondent in not admitting 24 posts of the petitioner- school to grant-in-aid, as illegal and for a consequential direction to the respondents to take action in the matter.

The learned counsel for the petitioner-school contended that even though the petitioner-school sent proposals to the Government to admit 43 posts to grant-in-aid on 9.2.2000, as recommended by the District Educational Officer, Cuddapah, the Government admitted only 19 posts to grant-in-aid and for the remaining 24 posts, no orders have been passed. Therefore, he prays to give a direction to the 1st respondent to consider the case of the writ petitioner, in accordance with law for the remaining posts.

The learned Government Pleader appearing for the respondents opposed the same

on the ground that the proposals have already been approved in respect of 19 posts and therefore there is no need to consider the case of the petitioner for grant in aid in respect of remaining posts .

The first respondent has to take a decision whether to admit the posts to grant-in-aid or not, basing on the proposals submitted by the District Educational Officer, the competent authority who has recommended the same, in accordance with law.

Therefore, without entering into the merits of the case, a direction is given to the first respondent to pass appropriate orders on the proposals submitted by the petitioner-school dated 9.2.2000 and also basing on the subsequent recommendation of the competent authority, within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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14.12.2004

bsv

To

1. The Secretary, Education Department, Government of A.P.
   Secretariat Buildings, Hyderabad.
2 The Commissioner&Director of School Education.A.P.
   Hyderabad.

3. 2CCs to Government Pleader for School Education, High Court Buildings, A.P., Hyderabad (OUT)

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